

## RESOLUTION

OF

### THE LEGISLATURE OF MISSOURI,

*Declaring, in their opinion, that Congress has no power to appropriate moneys to aid the American Colonization Society.*

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FEBRUARY 19th, 1829.—Ordered to lie on the table, and be printed.

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The Joint Committee, to whom was referred a report and a resolution of the Senate and House of Representatives of the State of Georgia, approved December the twenty-seventh, eighteen hundred and twenty-seven, declaring that the Congress of the United States have no constitutional power to appropriate moneys to aid the American Colonization Society, report:—

That in the doctrines, sentiments, and opinions expressed and held by that report, they for the most part concur, and that the principles avowed by the resolution in question, meet their decided approbation.

Your Committee insists, that the government of the United States is a government of limited powers; that no powers can be rightfully and constitutionally exercised by that government, unless it be those which are expressly granted, or those plainly implied by such express grants of power. And they further contend, that Congress has no power to appropriate money for any object, unless it be to carry into effect some one of the powers so expressly or impliedly granted. This power is not expressly granted, and this Committee can find no clause in the constitution of the United States, from which such a power can be implied; they cannot conceive that it is within the meaning, spirit, or reason of any provision of that instrument. If the exercise of the power in question be claimed on the ground that Congress can appropriate the public funds *for any purpose whatever*, as is claimed by some politicians, then this Committee enter their solemn protest against such an exercise of power, and unhesitatingly pronounce it to be a political heresy deserving the severest reprobation. If this latitudinous doctrine be true, then our pretending to have a written constitution is a mere mockery; and much more strange is it, that ours should be considered a limited form of government. This Committee cannot suppose, however, that the exercise of the power in question, is based upon such a ground. While indulging in conjecture as to the clause of the constitution upon which the advocates of this measure rely, the committee have supposed it possible that as the first clause of the eighth section of the first article of the constitution is considered as affording power to effect the purposes of every latitudinarian, when he can find no other clause upon which to rest himself, that this is the part of the constitution now resorted to. This section provides "that Congress shall have power, first, to lay and collect taxes, duties, imposts, and excises;

to pay the debts, and provide for the common defence and general welfare of the United States." Now, if the words "general welfare" afford the power in question, then it affords power to do any act, which, in the opinion of a majority of Congress, would promote the general welfare; and if this doctrine be correct, then all the other parts of the constitution, which declare the power that Congress shall possess, are worse than useless. If there be any room for construction as to this clause, we cannot suppose that these words were intended to mean more than to give Congress full and complete power over the subjects in that clause mentioned. It seems to the Committee, that no other construction can be given to the words in question, without giving to Congress almost unlimited power. Your Committee entirely concur in the report made to the Legislature of Georgia, when it said, "that if the question of power is to be determined by construction, it is manifest on the face of the constitution itself, that the convention intended to prohibit Congress from the exercise of such power." For if the view before taken does not prove this position to be correct, that portion of the constitution which apportions representation and taxation, and distinctly recognises the right of property in that description of population upon which the exercise of this power is intended to operate, clearly shows that no power was given to Congress to interfere with this species of property. It is very far from the wish of this committee to attempt to resist, in any manner, the efforts of individuals in support of that society: it is to the interference of government to which they object. They seriously apprehend, that if this step be taken, the next proposition will be that government shall take the colony under its protection; and *then* it will be urged, that Congress should appropriate money for the purpose of purchasing slaves, liberating and transporting them to that colony. They are not unmindful of the progress of public sentiment on this subject; nor will they conceal the fact, that in proportion to the exertions and sensibility which the citizens of the slave-holding States have manifested toward free people of color, and to this Society, have the demands of the advocates of this measure increased. Believing that Congress have not the power in question—wishing to preserve harmony throughout the Union, and desiring to avoid the angry passions which a subject of so much delicacy would excite, the Committee recommend the adoption of the following resolutions:

*Resolved, by the Senate and House of Representatives of the State of Missouri,* That, in their opinion, the Congress of the United States has no power to appropriate moneys to aid the American Colonization Society.

*And be it further resolved,* That copies of the above report and resolutions be forwarded to our Senators and Representatives in Congress, with a request, that if any attempt be made to exercise such a power, they lay them before the two Houses of Congress.

*And be it further resolved,* That a copy of the above report and resolutions be forwarded to the Governor of each State of the Union, with a request that the same be laid before the Legislature thereof.

JOHN THORNTON,

*Speaker of the House of Representatives.*

DANIEL DUNKLIN,

*President of the Senate.*

Approved: January 23d, 1829.

JOHN MILLER.

## SECRETARY'S OFFICE,

CITY OF JEFFERSON, *January 29th*, 1829.

I, Priestley H. McBride, Secretary of State of the State of Missouri, do certify, that the foregoing four pages of the report of a Joint Committee of the General Assembly, is truly transcribed from the original roll.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, the day and year above written.

P. H. McBRIDE.

